

#5


SUBSTITUTE FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		15373.0002
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/526,228
INTERNATIONAL APPLICATION NO. PCT/GB03/03873	INTERNATIONAL FILING DATE September 5, 2003	PRIORITY DATE CLAIMED September 6, 2002
TITLE OF INVENTION WHOLE BACTERIAL CELLS AS IMMUNE MODULATOR		
APPLICANT(S) FOR DO/EO/US Graham McIntyre, John Lawson Stanford, Cynthia Ann Stanford, Oscar Adelmo Bottasso,		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:  
 Copy of Notification of Missing Requirements Under 35 U.S.C. 371  
 Petition for One-Month Extension of Time  
 Check for \$120

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/526,228		INTERNATIONAL APPLICATION NO. PCT/GB03/03873		ATTORNEY'S DOCKET NUMBER 15373.0002	
21. <input type="checkbox"/> The following fees are submitted:  <b>Basic National Fee ( 37 CFR 1.492 (a) (1) - (5)):</b>  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$0.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$0.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... 0.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$0.00  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$0.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>	
Surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	- 20 =		x \$18	\$0.00	
Independent Claims	- 3 =		x \$86	\$0.00	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			+ \$290	\$0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
<b>SUBTOTAL =</b>				\$0.00	
Processing fee of \$130 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f))				\$0.00	
<b>TOTAL NATIONAL FEE =</b>				\$0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$0.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> A check in the amount of <b>\$0.00</b> to cover the above fees is enclosed.  b. <input type="checkbox"/> Please charge my Deposit Account No. 19-4293 in the amount of \$0.00 to cover the above fees. A duplicate copy of this sheet is enclosed.  c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No 19-4293. A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a)          or (b) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:  STEPTOE & JOHNSON LLP Attn: Docket Administrator - Box USPTO 1330 Connecticut Avenue, NW. Washington, DC 20036  Tel. (202) 429-6284 Fax (202) 429-3902					
			 SIGNATURE		
			NAME <span style="float: right;">Harold H. Fox</span>		
			REGISTRATION NUMBER <span style="float: right;">41,498</span>		



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,228	Graham McIntyre	15373.0002

27890  
STEPTOE & JOHNSON LLP  
1330 CONNECTICUT AVENUE, N.W.  
WASHINGTON, DC 20036

RECEIVED

AUG 24 2005

STEPTOE & JOHNSON, LLP

INTERNATIONAL APPLICATION NO.

PCT/GB03/03873

I.A. FILING DATE	PRIORITY DATE
09/05/2003	09/06/2002

CONFIRMATION NO. 6730  
371 FORMALITIES LETTER  
\*OC000000016805516\*  
\*OC000000016805516\*

Date Mailed: 08/19/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/01/2005
- Copy of the International Search Report filed on 03/01/2005
- Copy of IPE Report filed on 03/01/2005
- Preliminary Amendments filed on 03/01/2005
- Information Disclosure Statements filed on 03/01/2005
- U.S. Basic National Fees filed on 03/01/2005
- Priority Documents filed on 03/01/2005
- Specification filed on 03/01/2005
- Claims filed on 03/01/2005
- Abstracts filed on 03/01/2005
- Drawings filed on 03/01/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Date: 10/19/05  
Action Due: Missing Reg. Fee  
✓ NAC

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,228	PCT/GB03/03873	15373.0002

FORM PCT/DO/EO/905 (371 Formalities Notice)